

REMARKS

The Examiner's Office Action of 06/25/2004 has been carefully reviewed. The Examiner has rejected Claims 3 and 4 "under 35 U.S.C. 103(a) as being unpatentable over Johnson" and has rejected Claims 1 - 4 "under 35 U.S.C. 103(aa) as being unpatentable over Barnes in view of Johnson." These rejections are traversed insofar as they might be considered applicable to Claim 1 as now amended. Note is taken that Claims 2 -4 have been canceled herein in an effort to expedite the prosecution of this application.

To begin with applicant's invention, as disclosed, and claimed relates to the combination of the vessel, such as a boat, with a horizontal platform and a vertical rear wall there adjacent. This is in combination with a container and its shading member and associated Velcro-type fasteners. Such combination can be found nowhere in the Examiner's prior art taken alone or in combination. More particularly, the Examiner's primary reference to Barnes relates to a swim platform with a rigid member having side panels to preclude the inconvenience of animal defecation on the platform. It shields the entire platform and has perforations for hold-down purposes. In contrast to this, applicant's device has three side edges for the

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flow of air for venting purposes along with the perforations in the panel to preclude the heat of shining sun. Further, its width is essentially the width of the platform so it would be impossible to use the platform for diving purposes as well as for supporting the gas can. The Examiner then turns to Johnson which discloses a flexible member as a vertical side panel of a boat and not an angle for shading a gas can. There is no teaching in either the Examiner's primary reference or secondary reference for the combination proposed by the Examiner. For example, the rigid member of Barnes does not need a removable weight in a hem at the lower edge since its position is fixed.

It would appear that the Examiner has merely gleaned miscellaneous features in the prior art and has attempted to combine them without a teaching for their combination. The only teaching is in applicant's disclosure which, by definition, is not prior art. But even if there were a teaching for the combination, the resulting structure would still fail to anticipate applicant's invention for the reasons set forth herein above.

It is deemed that the amendments herein overcome all grounds of objection and rejection. Reconsideration and a Notice of Allowance are requested.